



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
February 3, 2009 at 6:00 P.M.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of Absence Requests from meetings.
 - None submitted at packet preparation time.
3. Consideration, discussion and possible action to approve meeting Minutes.
 - January 6, 2009 Meeting Minutes
4. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the front setback requirement for 3907 Santour Court, Lot 17, Block 14 Edelweiss Gartens Phase 7. Case #08-00500239 (MR)
5. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the rear setback requirement for 1600 Lawyer Street, Lot 6, Block 23 South Knoll Addition. Case #08-00500312 (MR)
6. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.7 Design District Dimensional Standards regarding the minimum number of stories, and the minimum Floor to Area Ratio for 601 University Drive. (09-00500332) (MKH).
7. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
8. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, February 03, 2009 at 6:00 p.m.** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the ____ day of ____, 2009 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____

Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on ____ p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of ____, 2009.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of ____, 2009.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



MINUTES
Zoning Board of Adjustment
January 6, 2009
CITY OF COLLEGE STATION, TEXAS
City Hall Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Jay Goss, Josh Benn, Rodney Hill, John Richards and Robert Brick.

MEMBERS ABSENT: Hunter Goodwin and Melissa Cunningham (Alternates). Not needed.

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Senior Planner Jennifer Prochazka, Director of Planning and Development Services Bob Cowell, Planning Administrator Molly Hitchcock, Assistant City Attorney Mary Ann Powell, and Action Center Representative Carrie McHugh.

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Goss called the meeting to order at 6:08 PM.

AGENDA ITEM NO. 2: **Oath of Office – Robert Brick.**

Staff Assistant Deborah Grace-Rosier administered the Oath of Office.

AGENDA ITEM NO. 3: **Consideration, discussion and possible action of Absence Requests from meetings.**

There were no requests submitted.

AGENDA ITEM NO. 4: **Consideration, discussion and possible action to approve meeting minutes.**

~ November 11, 2008, Workshop Meeting Minutes.

Mr. Benn motioned to approved the minutes, Mr. Hill seconded the motion, which passed unopposed (5-0).

~ November 11, 2008, Regular Meeting Minutes.

Mr. Hill motioned to approved the minutes, Mr. Benn seconded the motion, which passed unopposed (5-0).

~ December 2, 2008, Meeting Minutes.

Mr. Hill motioned to approved the minutes, Mr. Benn seconded the motion, which passed unopposed (5-0).

AGENDA ITEM NO. 5: Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.7 Design District Dimensional Standards regarding the minimum two-story height requirement for 418 College Main, Lots 1-4, Block 22 and Lots 8-10, Block 4, Boyett Subdivision. Case # 08-00500306.

Senior Planner Jennifer Prochazka presented the staff report and stated that the applicant was requesting the variance to vary from the minimum two-story height requirement, with the condition that the variance apply only to the proposed 300 square foot exercise facility.

Chairman Goss opened the public hearing for those wanting to speak in favor or in opposition. With no one stepping forward to speak, Chairman Goss closed the public hearing.

Mr. Hill motioned to approved the variance to the height requirement from the terms of the Ordinance as it will not be contrary to the public interest, due to the following special conditions: a necessity exists for an exercise room and there is no need to overbuild a two-story exercise room and it will not be seen from the road; and, because a strict enforcement of the provisions of the Ordinance would result in unnecessary hardship to this applicant being: required to build a two-story when a one-story will do; and such that the spirit of the Ordinance shall be observed and substantial justice done subject to the following limitations: the variance is limited to 300 sq. ft. as set forth in the site plan as presented by the applicant to the City. **Mr. Richards seconded the motion, which passed unopposed (5-0).**

AGENDA ITEM NO. 6: Consideration and possible action on future agenda items – A Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no items addressed.

AGENDA ITEM NO. 7: Adjourn.

The meeting was adjourned at 6:20.

APPROVED:

Jay Goss, Chairman

ATTEST:

Deborah Grace-Rosier, Staff Assistant



**VARIANCE REQUEST
FOR
3907 SANTOUR COURT**

REQUEST: Front Setback Variance

LOCATION: 3907 Santour Court

APPLICANT: Emanuel H. Glockzin, Jr.

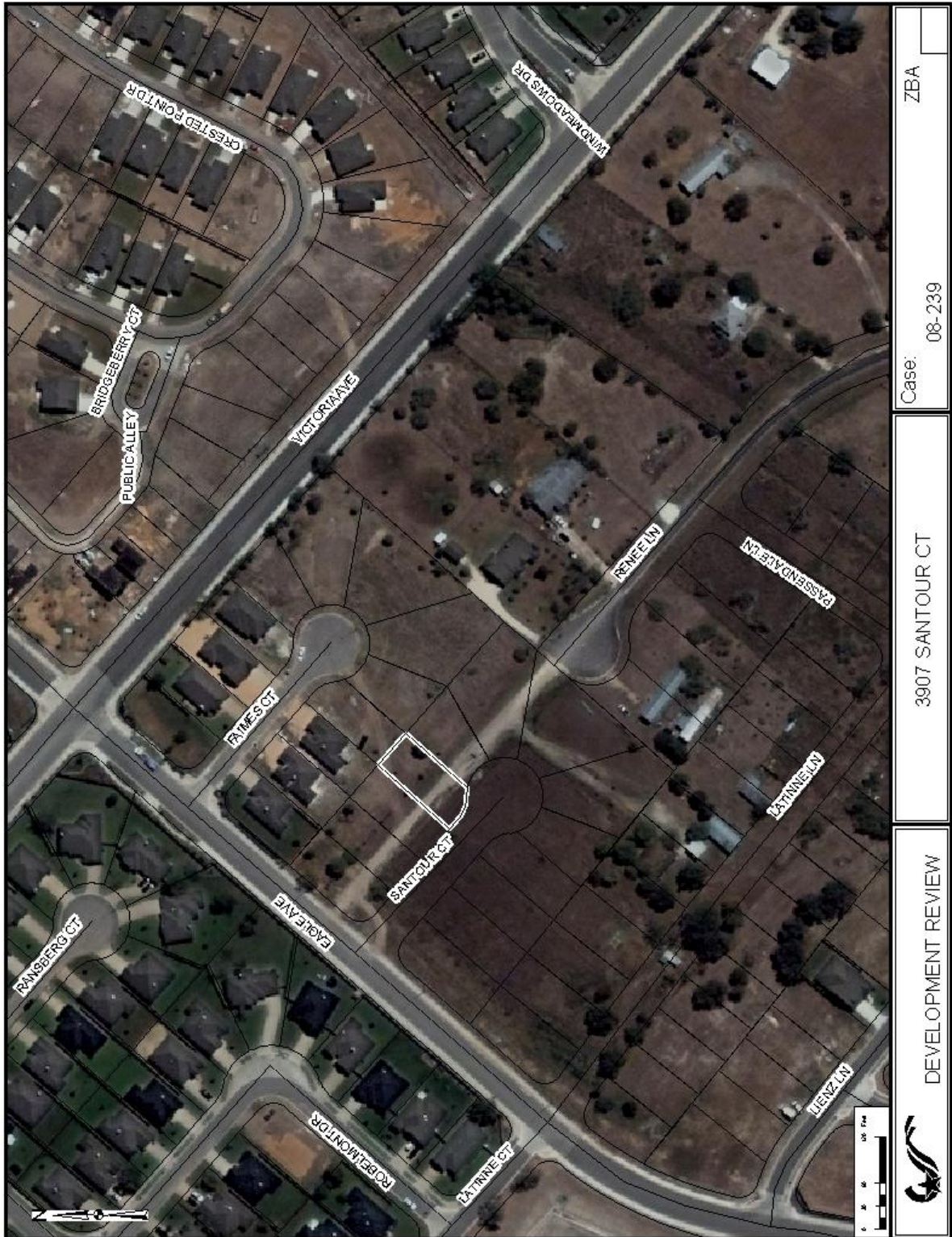
PROPERTY OWNER: Santour Court, Ltd.

PROJECT MANAGER: Matt Robinson, Staff Planner
mrobinson@cstx.gov

BACKGROUND: The subject property is part of the Edelweiss Gartens Subdivision, Phase 7 that was platted in April of 2007. This subdivision is zoned and platted for single-family residences and is part of a City sponsored low-income development. There is currently a 2-story home occupying the lot, with a portion of the garage encroaching into the 25 foot front building setback. **The applicant would like to reduce the front setback on the southeast corner of the lot by approximately 4.5 feet deep by 7.8 feet wide; thus he is requesting a front setback variance of 4.5 feet to the required front setback of 25' feet.**

APPLICABLE ORDINANCE SECTION: UDO Section 5.2, Residential Dimensional Standards

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of property values.



NOTIFICATIONS

Advertised Board Hearing Date: February 3, 2009

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Edelweiss Gartens HOA

Property owner notices mailed: 12
Contacts in support: none at time of staff report
Contacts in opposition: none at time of staff report
Inquiry contacts: 3

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-1, Single-Family Residential	Currently developed as a single-family home
North	R-1, Single-Family Residential	Currently developed as a single-family home
South	R-1 Single-Family Residential / Santour Court	Currently developed as a single-family home / Santour Court a Local Street
East	R-1, Single-Family Residential	Currently developed as a single-family home
West	R-1, Single-Family Residential	Currently developed as a single-family home

PHYSICAL CHARACTERISTICS

1. **Frontage:** The property has approximately 61 feet of frontage along Santour Court.
2. **Access:** The property has access to Santour Court.
3. **Topography and vegetation:** The property has some vegetation and is relatively flat.
4. **Floodplain:** The subject tract does not lie in a FEMA-identified floodway or floodplain.

REVIEW CRITERIA

1. **Special conditions:** The applicant states that due to the shape of the lot and unusual configuration of the cul-de-sac, the garage is slightly in the 25' building setback. The applicant goes on to state that it is a low-income, City sponsored development and that rental to low-income families could be impacted without approval of the variance.
2. **Hardships:** The applicant states that Santour Court is a City sponsored development for large low-income families and that if a variance is not granted that the possibility exists that this unit could not be rented to a low-income family.

ALTERNATIVES

The applicant has not offered any alternatives.

SUPPORTING MATERIALS

1. Application
2. Survey



FOR OFFICE USE ONLY	
CASE NO.:	<u>08-239</u>
DATE SUBMITTED:	<u>9.22.08</u>

2:11
08/24

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ \$150 Filing Fee
- ☒ Application completed in full.
- ☒ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: N/A

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name Emanuel H. Glockzin, Jr.
Street Address P. O. Box 3144 City Bryan
State TX Zip Code 77805 E-Mail Address emmanuel@edgproperties.net
Phone Number (979) 846-8878 Fax Number (979) 846-0783

PROPERTY OWNER'S INFORMATION:

Name Santour Court, Ltd.
Street Address 4500 Carter Creek Parkway, Ste. 101 City Bryan
State TX Zip Code 77802 E-Mail Address _____
Phone Number (979) 846-8878 Fax Number (979) 846-0783

LOCATION OF PROPERTY:

Address 3907 Santour Court, College Station, Texas
Lot 17 Block 14 Subdivision Edelweiss Gardens Phase Seven
Description if there is no Lot, Block and Subdivision N/A

Action Requested: (Circle One) Setback Variance Appeal of Zoning Official's Interpretation
Parking Variance Special Exception
Sign Variance Drainage Variance
Other: _____

Current Zoning of Subject Property: Single Family

Applicable Ordinance Section: _____

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

Waiver set-back requirement (see attached)

Corner of garage 4.5' (front to back) and 7.8 ft width as shown on survey

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

see attached plat

Due to the shape of the lot and the unusual configuration of the cul-de-sac, the garage is slightly in the 25' easement on one corner, majority of house conforms.

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

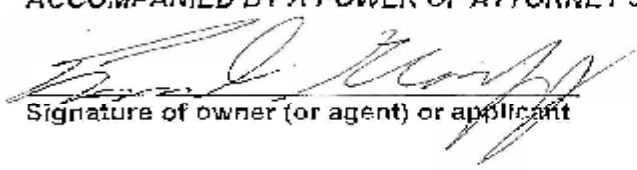
Due to the unusual configuration of the lot and cul-de-sac it was difficult to measure the setback area. All other houses conform to the building setback.

The following alternatives to the requested variance are possible:

This variance will not be contrary to the public interest by virtue of the following facts:

Granting the variance will not result in any hazard to the public.

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.


Signature of owner (or agent) or applicant

9/22/08
Date

12



**VARIANCE REQUEST
FOR
1600 Lawyer Street**

REQUEST: Rear Setback Variance

LOCATION: 1600 Lawyer Street

APPLICANT: John Magruder, Magruder Homes, LLC.

PROPERTY OWNER: Mike Gyllenband

PROJECT MANAGER: Matt Robinson, Staff Planner
mrobinson@cstx.gov

RECOMMENDATION: Staff recommends denial.

BACKGROUND: The subject property is part of the South Knoll Addition Subdivision, which was platted in 1954. This subdivision is zoned for single-family residences. Currently there is a one-story home and detached garage occupying the lot, with driveways to Lawyer Street and Caudill Street. The applicant is proposing to subdivide the property into two lots, with both lots fronting Lawyer Street. The front and rear setbacks would then be taken from Lawyer Street instead of Caudill Street, as it is currently situated. The garage presently encroaches into the side setback by 2 feet 2 inches and with a change to the lot orientation, the garage would encroach further into a rear setback. A variance is needed in order to proceed with a replat of the property, which will require additional variances from the Planning & Zoning Commission. **As such the applicant would like to reduce the proposed rear setback on the eastern side of the lot to 5 feet 3 inches; thus, he is requesting a proposed rear setback variance of 14 feet 9 inches to the required rear setback of 20 feet.**

APPLICABLE ORDINANCE SECTION: UDO Section 5.2, Residential Dimensional Standards

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of property values.





Zoning Districts		C-3	C-3	C-3	Light Commercial	WPC	Well Pan Creek Dev. Corridor
A-1	Agricultural Open	C-4	C-4	C-4	Light Industrial	RG-1	Core Neighbors
A-2	Rural Residential	C-5	C-5	C-5	Heavy Industrial	RG-2	Transitional Northgate
A-3	Single Family Residences	C-6	C-6	C-6	College and University	RG-3	Resident's Edgegate
A-4	Single Family Residences	C-7	C-7	C-7	Research and Development	CV	Center Overlay
A-5	Single Family Residences	C-8	C-8	C-8	Planetary Science Development	RD-1	Redevelopment District
A-6	Single Family Residences	C-9	C-9	C-9	Historic Development District	RD-2	Kirkwood Overlay
A-7	Single Family Residences	C-10	C-10	C-10	Commercial-Industrial	RD-3	Kirkwood Overlay
A-8	Single Family Residences	C-11	C-11	C-11	Commercial-Industrial	RD-4	Kirkwood Overlay
A-9	Single Family Residences	C-12	C-12	C-12	Commercial-Industrial	RD-5	Kirkwood Overlay
A-10	Single Family Residences	C-13	C-13	C-13	Commercial-Industrial	RD-6	Kirkwood Overlay
A-11	Single Family Residences	C-14	C-14	C-14	Commercial-Industrial	RD-7	Kirkwood Overlay
A-12	Single Family Residences	C-15	C-15	C-15	Commercial-Industrial	RD-8	Kirkwood Overlay
A-13	Single Family Residences	C-16	C-16	C-16	Commercial-Industrial	RD-9	Kirkwood Overlay
A-14	Single Family Residences	C-17	C-17	C-17	Commercial-Industrial	RD-10	Kirkwood Overlay
A-15	Single Family Residences	C-18	C-18	C-18	Commercial-Industrial	RD-11	Kirkwood Overlay
A-16	Single Family Residences	C-19	C-19	C-19	Commercial-Industrial	RD-12	Kirkwood Overlay
A-17	Single Family Residences	C-20	C-20	C-20	Commercial-Industrial	RD-13	Kirkwood Overlay
A-18	Single Family Residences	C-21	C-21	C-21	Commercial-Industrial	RD-14	Kirkwood Overlay
A-19	Single Family Residences	C-22	C-22	C-22	Commercial-Industrial	RD-15	Kirkwood Overlay
A-20	Single Family Residences	C-23	C-23	C-23	Commercial-Industrial	RD-16	Kirkwood Overlay
A-21	Single Family Residences	C-24	C-24	C-24	Commercial-Industrial	RD-17	Kirkwood Overlay
A-22	Single Family Residences	C-25	C-25	C-25	Commercial-Industrial	RD-18	Kirkwood Overlay
A-23	Single Family Residences	C-26	C-26	C-26	Commercial-Industrial	RD-19	Kirkwood Overlay
A-24	Single Family Residences	C-27	C-27	C-27	Commercial-Industrial	RD-20	Kirkwood Overlay
A-25	Single Family Residences	C-28	C-28	C-28	Commercial-Industrial	RD-21	Kirkwood Overlay
A-26	Single Family Residences	C-29	C-29	C-29	Commercial-Industrial	RD-22	Kirkwood Overlay
A-27	Single Family Residences	C-30	C-30	C-30	Commercial-Industrial	RD-23	Kirkwood Overlay
A-28	Single Family Residences	C-31	C-31	C-31	Commercial-Industrial	RD-24	Kirkwood Overlay
A-29	Single Family Residences	C-32	C-32	C-32	Commercial-Industrial	RD-25	Kirkwood Overlay
A-30	Single Family Residences	C-33	C-33	C-33	Commercial-Industrial	RD-26	Kirkwood Overlay
A-31	Single Family Residences	C-34	C-34	C-34	Commercial-Industrial	RD-27	Kirkwood Overlay
A-32	Single Family Residences	C-35	C-35	C-35	Commercial-Industrial	RD-28	Kirkwood Overlay
A-33	Single Family Residences	C-36	C-36	C-36	Commercial-Industrial	RD-29	Kirkwood Overlay
A-34	Single Family Residences	C-37	C-37	C-37	Commercial-Industrial	RD-30	Kirkwood Overlay
A-35	Single Family Residences	C-38	C-38	C-38	Commercial-Industrial	RD-31	Kirkwood Overlay
A-36	Single Family Residences	C-39	C-39	C-39	Commercial-Industrial	RD-32	Kirkwood Overlay
A-37	Single Family Residences	C-40	C-40	C-40	Commercial-Industrial	RD-33	Kirkwood Overlay
A-38	Single Family Residences	C-41	C-41	C-41	Commercial-Industrial	RD-34	Kirkwood Overlay
A-39	Single Family Residences	C-42	C-42	C-42	Commercial-Industrial	RD-35	Kirkwood Overlay
A-40	Single Family Residences	C-43	C-43	C-43	Commercial-Industrial	RD-36	Kirkwood Overlay
A-41	Single Family Residences	C-44	C-44	C-44	Commercial-Industrial	RD-37	Kirkwood Overlay
A-42	Single Family Residences	C-45	C-45	C-45	Commercial-Industrial	RD-38	Kirkwood Overlay
A-43	Single Family Residences	C-46	C-46	C-46	Commercial-Industrial	RD-39	Kirkwood Overlay
A-44	Single Family Residences	C-47	C-47	C-47	Commercial-Industrial	RD-40	Kirkwood Overlay
A-45	Single Family Residences	C-48	C-48	C-48	Commercial-Industrial	RD-41	Kirkwood Overlay
A-46	Single Family Residences	C-49	C-49	C-49	Commercial-Industrial	RD-42	Kirkwood Overlay
A-47	Single Family Residences	C-50	C-50	C-50	Commercial-Industrial	RD-43	Kirkwood Overlay
A-48	Single Family Residences	C-51	C-51	C-51	Commercial-Industrial	RD-44	Kirkwood Overlay
A-49	Single Family Residences	C-52	C-52	C-52	Commercial-Industrial	RD-45	Kirkwood Overlay
A-50	Single Family Residences	C-53	C-53	C-53	Commercial-Industrial	RD-46	Kirkwood Overlay
A-51	Single Family Residences	C-54	C-54	C-54	Commercial-Industrial	RD-47	Kirkwood Overlay
A-52	Single Family Residences	C-55	C-55	C-55	Commercial-Industrial	RD-48	Kirkwood Overlay
A-53	Single Family Residences	C-56	C-56	C-56	Commercial-Industrial	RD-49	Kirkwood Overlay
A-54	Single Family Residences	C-57	C-57	C-57	Commercial-Industrial	RD-50	Kirkwood Overlay
A-55	Single Family Residences	C-58	C-58	C-58	Commercial-Industrial	RD-51	Kirkwood Overlay
A-56	Single Family Residences	C-59	C-59	C-59	Commercial-Industrial	RD-52	Kirkwood Overlay
A-57	Single Family Residences	C-60	C-60	C-60	Commercial-Industrial	RD-53	Kirkwood Overlay
A-58	Single Family Residences	C-61	C-61	C-61	Commercial-Industrial	RD-54	Kirkwood Overlay
A-59	Single Family Residences	C-62	C-62	C-62	Commercial-Industrial	RD-55	Kirkwood Overlay
A-60	Single Family Residences	C-63	C-63	C-63	Commercial-Industrial	RD-56	Kirkwood Overlay
A-61	Single Family Residences	C-64	C-64	C-64	Commercial-Industrial	RD-57	Kirkwood Overlay
A-62	Single Family Residences	C-65	C-65	C-65	Commercial-Industrial	RD-58	Kirkwood Overlay
A-63	Single Family Residences	C-66	C-66	C-66	Commercial-Industrial	RD-59	Kirkwood Overlay
A-64	Single Family Residences	C-67	C-67	C-67	Commercial-Industrial	RD-60	Kirkwood Overlay
A-65	Single Family Residences	C-68	C-68	C-68	Commercial-Industrial	RD-61	Kirkwood Overlay
A-66	Single Family Residences	C-69	C-69	C-69	Commercial-Industrial	RD-62	Kirkwood Overlay
A-67	Single Family Residences	C-70	C-70	C-70	Commercial-Industrial	RD-63	Kirkwood Overlay
A-68	Single Family Residences	C-71	C-71	C-71	Commercial-Industrial	RD-64	Kirkwood Overlay
A-69	Single Family Residences	C-72	C-72	C-72	Commercial-Industrial	RD-65	Kirkwood Overlay
A-70	Single Family Residences	C-73	C-73	C-73	Commercial-Industrial	RD-66	Kirkwood Overlay
A-71	Single Family Residences	C-74	C-74	C-74	Commercial-Industrial	RD-67	Kirkwood Overlay
A-72	Single Family Residences	C-75	C-75	C-75	Commercial-Industrial	RD-68	Kirkwood Overlay
A-73	Single Family Residences	C-76	C-76	C-76	Commercial-Industrial	RD-69	Kirkwood Overlay
A-74	Single Family Residences	C-77	C-77	C-77	Commercial-Industrial	RD-70	Kirkwood Overlay
A-75	Single Family Residences	C-78	C-78	C-78	Commercial-Industrial	RD-71	Kirkwood Overlay
A-76	Single Family Residences	C-79	C-79	C-79	Commercial-Industrial	RD-72	Kirkwood Overlay
A-77	Single Family Residences	C-80	C-80	C-80	Commercial-Industrial	RD-73	Kirkwood Overlay
A-78	Single Family Residences	C-81	C-81	C-81	Commercial-Industrial	RD-74	Kirkwood Overlay
A-79	Single Family Residences	C-82	C-82	C-82	Commercial-Industrial	RD-75	Kirkwood Overlay
A-80	Single Family Residences	C-83	C-83	C-83	Commercial-Industrial	RD-76	Kirkwood Overlay
A-81	Single Family Residences	C-84	C-84	C-84	Commercial-Industrial	RD-77	Kirkwood Overlay
A-82	Single Family Residences	C-85	C-85	C-85	Commercial-Industrial	RD-78	Kirkwood Overlay
A-83	Single Family Residences	C-86	C-86	C-86	Commercial-Industrial	RD-79	Kirkwood Overlay
A-84	Single Family Residences	C-87	C-87	C-87	Commercial-Industrial	RD-80	Kirkwood Overlay
A-85	Single Family Residences	C-88	C-88	C-88	Commercial-Industrial	RD-81	Kirkwood Overlay
A-86	Single Family Residences	C-89	C-89	C-89	Commercial-Industrial	RD-82	Kirkwood Overlay
A-87	Single Family Residences	C-90	C-90	C-90	Commercial-Industrial	RD-83	Kirkwood Overlay
A-88	Single Family Residences	C-91	C-91	C-91	Commercial-Industrial	RD-84	Kirkwood Overlay
A-89	Single Family Residences	C-92	C-92	C-92	Commercial-Industrial	RD-85	Kirkwood Overlay
A-90	Single Family Residences	C-93	C-93	C-93	Commercial-Industrial	RD-86	Kirkwood Overlay
A-91	Single Family Residences	C-94	C-94	C-94	Commercial-Industrial	RD-87	Kirkwood Overlay
A-92	Single Family Residences	C-95	C-95	C-95	Commercial-Industrial	RD-88	Kirkwood Overlay
A-93	Single Family Residences	C-96	C-96	C-96	Commercial-Industrial	RD-89	Kirkwood Overlay
A-94	Single Family Residences	C-97	C-97	C-97	Commercial-Industrial	RD-90	Kirkwood Overlay
A-95	Single Family Residences	C-98	C-98	C-98	Commercial-Industrial	RD-91	Kirkwood Overlay
A-96	Single Family Residences	C-99	C-99	C-99	Commercial-Industrial	RD-92	Kirkwood Overlay
A-97	Single Family Residences	C-100	C-100	C-100	Commercial-Industrial	RD-93	Kirkwood Overlay
A-98	Single Family Residences	C-101	C-101	C-101	Commercial-Industrial	RD-94	Kirkwood Overlay
A-99	Single Family Residences	C-102	C-102	C-102	Commercial-Industrial	RD-95	Kirkwood Overlay
A-100	Single Family Residences	C-103	C-103	C-103	Commercial-Industrial	RD-96	Kirkwood Overlay
A-101	Single Family Residences	C-104	C-104	C-104	Commercial-Industrial	RD-97	Kirkwood Overlay
A-102	Single Family Residences	C-105	C-105	C-105	Commercial-Industrial	RD-98	Kirkwood Overlay
A-103	Single Family Residences	C-106	C-106	C-106	Commercial-Industrial	RD-99	Kirkwood Overlay
A-104	Single Family Residences	C-107	C-107	C-107	Commercial-Industrial	RD-100	Kirkwood Overlay
A-105	Single Family Residences	C-108	C-108	C-108	Commercial-Industrial	RD-101	Kirkwood Overlay
A-106	Single Family Residences	C-109	C-109	C-109	Commercial-Industrial	RD-102	Kirkwood Overlay
A-107	Single Family Residences	C-110	C-110	C-110	Commercial-Industrial	RD-103	Kirkwood Overlay
A-108	Single Family Residences	C-111	C-111	C-111	Commercial-Industrial	RD-104	Kirkwood Overlay
A-109	Single Family Residences	C-112	C-112	C-112	Commercial-Industrial	RD-105	Kirkwood Overlay
A-110	Single Family Residences	C-113	C-113	C-113	Commercial-Industrial	RD-106	Kirkwood Overlay
A-111	Single Family Residences	C-114	C-114	C-114	Commercial-Industrial	RD-107	Kirkwood Overlay
A-112	Single Family Residences	C-115	C-115	C-115	Commercial-Industrial	RD-108	Kirkwood Overlay
A-113	Single Family Residences	C-116	C-116	C-116	Commercial-Industrial	RD-109	Kirkwood Overlay
A-114	Single Family Residences	C-117	C-117	C-117	Commercial-Industrial	RD-110	Kirkwood Overlay
A-115	Single Family Residences	C-118	C-118	C-118	Commercial-Industrial	RD-111	Kirkwood Overlay
A-116	Single Family Residences	C-119	C-119	C-119	Commercial-Industrial	RD-112	Kirkwood Overlay
A-117	Single Family Residences	C-120	C-120	C-120	Commercial-Industrial	RD-113	Kirkwood Overlay
A-118	Single Family Residences	C-121	C-121	C-121	Commercial-Industrial	RD-114	Kirkwood Overlay
A-119	Single Family Residences	C-122	C-122	C-122	Commercial-Industrial	RD-115	Kirkwood Overlay
A-120	Single Family Residences	C-123	C-123	C-123	Commercial-Industrial	RD-116	Kirkwood Overlay
A-121	Single Family Residences	C-124	C-124	C-124	Commercial-Industrial	RD-117	Kirkwood Overlay
A-122	Single Family Residences	C-125	C-125	C-125	Commercial-Industrial	RD-118	Kirkwood Overlay
A-123	Single Family Residences	C-126	C-126	C-126	Commercial-Industrial	RD-119	Kirkwood Overlay
A-124	Single Family Residences	C-127	C-127	C-127	Commercial-Industrial	RD-120	Kirkwood Overlay
A-125	Single Family Residences	C-128	C-128	C-128	Commercial-Industrial	RD-121	Kirkwood Overlay
A-126	Single Family Residences	C-129	C-129	C-129	Commercial-Industrial	RD-122	Kirkwood Overlay
A-127	Single Family Residences	C-130	C-130	C-130	Commercial-Industrial	RD-123	Kirkwood Overlay
A-128	Single Family Residences	C-131	C-131	C-131	Commercial-Industrial	RD-124	Kirkwood Overlay
A-129	Single Family Residences	C-132	C-132	C-132	Commercial-Industrial	RD-125	Kirkwood Overlay
A-130	Single Family Residences	C-133	C-133	C-133	Commercial-Industrial	RD-126	Kirkwood Overlay
A-131	Single Family Residences	C-134	C-134	C-134	Commercial-Industrial	RD-127	Kirkwood Overlay
A-132	Single Family Residences	C-135	C-135	C-135	Commercial-Industrial	RD-128	Kirkwood Overlay
A-133	Single Family Residences	C-136	C-136	C-136	Commercial-Industrial	RD-129	Kirkwood Overlay
A-134	Single Family Residences	C-137	C-137	C-137	Commercial-Industrial	RD-130	Kirkwood Overlay
A-135	Single Family Residences	C-138	C-138	C-138	Commercial-Industrial	RD-131	Kirkwood Overlay
A-136	Single Family Residences	C-139	C-139	C-139	Commercial-Industrial	RD-132	Kirkwood Overlay
A-137	Single Family Residences	C-140	C-140	C-140	Commercial-Industrial	RD-133	Kirkwood Overlay
A-138	Single Family Residences	C-141	C-141	C-141	Commercial-Industrial	RD-134	Kirkwood Overlay
A-139	Single Family Residences	C-142	C-142	C-142	Commercial-Industrial	RD-135	Kirkwood Overlay
A-140	Single Family Residences	C-143	C-143	C-143	Commercial-Industrial	RD-136	Kirkwood Overlay
A-141	Single Family Residences	C-144	C-144	C-144	Commercial-Industrial	RD-137	Kirkwood Overlay
A-142	Single Family Residences	C-145	C-145	C-145	Commercial-Industrial	RD-138	Kirkwood Overlay
A-143	Single Family Residences	C-146	C-146	C-146	Commercial-Industrial	RD-139	Kirkwood Overlay
A-144	Single Family Residences	C-147	C-147	C-147	Commercial-Industrial	RD-140	Kirkwood Overlay
A-145	Single Family Residences	C-148	C-148	C-148	Commercial-Industrial	RD-141	Kirkwood Overlay
A-146	Single Family Residences	C-149	C-149	C-149	Commercial-Industrial	RD-142	Kirkwood Overlay
A-147	Single Family Residences	C-150	C-150	C-150	Commercial-Industrial	RD-143	Kirkwood Overlay
A-148	Single Family Residences	C-151	C-151	C-151	Commercial-Industrial	RD-144	Kirkwood Overlay
A-149	Single Family Residences	C-152	C-152	C-152	Commercial-Industrial	RD-145	Kirkwood Overlay
A-150	Single Family Residences	C-153	C-153	C-153	Commercial-Industrial	RD-146	Kirkwood Overlay
A-151	Single Family Residences	C-154	C-154	C-154	Commercial-Industrial	RD-147	Kirkwood Overlay
A-152	Single Family Residences	C-155	C-155	C-155	Commercial-Industrial	RD-148	Kirkwood Overlay
A-153	Single Family Residences	C-156	C-156	C-156	Commercial-Industrial	RD-149	Kirkwood Overlay
A-154	Single Family Residences	C-157	C-157	C-157	Commercial-Industrial	RD-150	Kirkwood Overlay
A-155	Single Family Residences	C-158	C-158	C-158	Commercial-Industrial	RD-151	Kirkwood Overlay
A-156	Single Family Residences	C-159	C-159	C-159	Commercial-Industrial	RD-152	Kirkwood Overlay
A-157	Single Family Residences	C-160	C-160	C-160	Commercial-Industrial	RD-153	Kirkwood Overlay
A-158	Single Family Residences	C-161	C-161	C-161	Commercial-Industrial	RD-154	Kirkwood Overlay
A-159	Single Family Residences	C-162	C-162	C-162	Commercial-Industrial	RD-155	Kirkwood Overlay
A-160	Single Family Residences	C-163	C-163	C-163	Commercial-Industrial	RD-156	Kirkwood Overlay
A-161	Single Family Residences	C-164	C-164	C-164	Commercial-Industrial	RD-157	Kirkwood Overlay
A-162	Single Family Residences	C-165	C-165	C-165	Commercial-Industrial	RD-158	Kirkwood Overlay
A-163	Single Family Residences	C-166	C-166	C-166	Commercial-Industrial	RD-159	Kirkwood Overlay
A-164	Single Family Residences	C-167	C-167	C-167	Commercial-Industrial	RD-160	Kirkwood Overlay
A-165	Single Family Residences	C-168	C-168	C-168	Commercial-Industrial	RD-161	Kirkwood Overlay
A-166	Single Family Residences	C-169	C-169	C-169	Commercial-Industrial	RD-162	Kirkwood Overlay
A-167	Single Family Residences	C-170	C-170	C-170	Commercial-Industrial	RD-163	Kirkwood Overlay
A-168	Single Family Residences	C-171	C-171	C-171	Commercial-Industrial	RD-164	Kirkwood Overlay
A-169	Single Family Residences	C-172	C-172	C-172	Commercial-Industrial	RD-165	Kirkwood Overlay
A-170	Single Family Residences	C-173	C-173	C-173	Commercial-Industrial	RD-166	Kirkwood Overlay
A-171	Single Family Residences	C-174	C-174	C-174	Commercial-Industrial	RD-167	Kirkwood Overlay
A-172	Single Family Residences	C-175					

NOTIFICATIONS

Advertised Board Hearing Date: February 3, 2009

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Lawyer Street Neighborhood Association

Property owner notices mailed: 23
Contacts in support: none at time of staff report
Contacts in opposition: 2
Inquiry contacts: 1

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-1, Single-Family Residential	Currently developed as a single-family home
North	R-1, Single-Family Residential, Lawyer Street / Boswell Street	Currently developed as a single-family home, Lawyer Street / Boswell Street as local streets
South	R-2, Duplex Residential	Currently developed as a duplex
East	R-1, Single-Family Residential, Lawyer Street	Currently developed as a single-family home, Lawyer Street a local street
West	R-1, Single-Family Residential, Caudill Street	Currently developed as a single-family home, Caudill Street a local street

PHYSICAL CHARACTERISTICS

1. **Frontage:** The property has approximately 155' of frontage along Lawyer Street and approximately 70' along Caudill Street.
2. **Access:** The property has access to Lawyer Street and Caudill Street.
3. **Topography and vegetation:** The property has some vegetation and is relatively flat.
4. **Floodplain:** The subject tract does not lie in a FEMA-identified floodway or floodplain.

REVIEW CRITERIA

1. **Special conditions:** The applicant has stated that the position of the garage prevents the subdivision of the lot for necessary improvements. Staff has not identified a special condition as the applicant's stated special condition is due to the owner's personal situation and not to a physical characteristic of the site itself.

2. **Hardships:** The applicant states that reasonable use of “side yard” is a newly constructed dwelling. Current setback regulations prevent necessary improvement. Staff does not support this as a unique hardship to this property as the property owner is not prevented from utilizing and enjoying the property. Staff also does not support the assertion that adding a new dwelling unit is a necessary improvement to the existing single-family lot.

ALTERNATIVES

The applicant has proposed a reduced side setback, but staff has determined that this alternative would not be a viable option.

STAFF RECOMMENDATION

Staff recommends denial of the variance request. It is staff’s opinion that the applicant’s stated special condition does not exist as the unique circumstance is not related to a physical characteristic of the property, but to the owner’s personal situation. The inability to subdivide an existing single-family lot is not a special condition. In addition, staff feels that the current single-family dwelling is making reasonable use of the property as allowed and that an additional dwelling is not a necessary improvement to the property. As such, denial of the requested variance does not prohibit the property owner’s utilization and enjoyment of the property.

If the Board does grant the variance, Staff recommends conditioning the request on approval of the replat of the property.

SUPPORTING MATERIALS

1. Application
2. Survey



FOR OFFICE USE ONLY	
CASE NO.:	<u>08.312</u>
DATE SUBMITTED:	<u>12.29.08</u>

9:50
08

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ \$150 Filing Fee 08
- ☒ Application completed in full.
- ☒ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name: Maguire Homes, LLC
 Street Address: PO Box 10572 City: College Station
 State: TX Zip Code: 77842 E-Mail Address: maguirehomes@yahoo.com
 Phone Number: (979) 324-6692 Fax Number: (979) 670-2285

PROPERTY OWNER'S INFORMATION:

Name: Allen Greenband
 Street Address: PO Box 103 City: Houston
 State: TX Zip Code: 77652 E-Mail Address: msj@houston.com
 Phone Number: (832) 575-5058 Fax Number: _____

LOCATION OF PROPERTY:

Address: 1601 Langford St.
 Lot: 6 Block: 23 Subdivision: South Hill
 Description if there is no Lot, Block and Subdivision: _____

Action Requested: (Circle One) Setback Variance Appeal of Zoning Official's Interpretation
 Parking Variance Special Exception
 Sign Variance Drainage Variance
 Other: _____

Current Zoning of Subject Property: R-1

Applicable Ordinance Section: 5-2 RESIDENTIAL DIMENSIONAL
STANDARD

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

SECT 5.2 : 9 ft. 9 in. variance on
rear setback requirement.

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

POSITION OF GARAGE PREVENTS
SUBDIVISION OF LOT FOR NECESSARY IMPROVEMENT

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

REASONABLE USE OF "SIDE YARD"
IS A NEWLY CONSTRUCTED DWELLING. CURRENT
SETBACK REGULATIONS PREVENT NECESSARY IMPROVEMENT

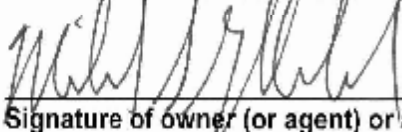
The following alternatives to the requested variance are possible:

PERMIT 14'9" ENCROACHMENT OF REAR SETBACK
REGULATION

This variance will not be contrary to the public interest by virtue of the following facts:

- 1.) HIGH DENSITY MULTI-FAMILY/RESIDENTIAL STREET
- 2.) STRUCTURE IS ALREADY IN EXISTENCE; THIS, CAN NOT
CAUSE ANY NEW CONDITIONS, 3.) CURRENT LAYOUT ESTABLISHES
APPEARANCE OF EMPTY LOT ADJOINING A RESIDENTIAL STRUCTURE

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.


Signature of owner (or agent) or applicant

12/29/08
Date

John Magruder

NO-8.0.4 PER PLAT

BLOCK 2
LOT 1

D.R. 260/739

LOT 2

10. UTILITY EASES

BLOCK 23
LOT 6

ONE STORY
HOUSE

GARAGE

BOSWELL STREET

30° K.O.V. FCE FLAT

Lot Six (6), Block Twenty-three (23), SOUTH KNOLL ADDITION, City of College Station, according to the plat recorded in Volume 184, page 1, Deed Records of Brazos County, Texas.

I, James W. MacArthur, Registered Professional Land Surveyor, No. 2089, do hereby certify that this plan correctly represents a Survey made by me or under my direction, on the ground, May 11, 2000.

050-650

There are no visible or apparent intrusions other than those shown hereon.

Based on the information scaled from the FEMA map dated July 2, 1992, Panel No. 48041C0144 C, this property does not lie within a designated 100-year flood area.



IN FEE

NOTES:

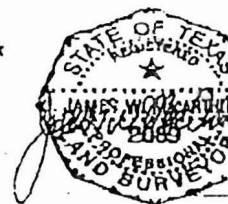
2. EXON

ORIGINAL LUXTERS PER PLAT
ARE 1/8" IRON RODS OR
CONCRETE REINFORCEMENT NOTED
AS (C.M. PLAT) AT THE POINT

LOT 5

QUIRED FACILITIES

MOBILE ORIGIN FACILITIES ONLY ARE
LOCATED ON THE SERVICE AREA. WE
HAVE ONE TWO FACILITIES LOCATED ON
THE SECOND AND DOWNSIDE ARE IDEALLY ON
THE FIRST THE DISK OF THE FACILITY AND THE
LONG STAR NOTIFICATION SERVICE BOUND AND
CONTACTED (800) 373-3000



Michael W. Ma
6-13-02



**VARIANCE REQUEST
FOR
601 University Drive
(08-00500332)**

REQUEST: Variance to Section 5.7 Design District Dimensional Standards, specifically NG-1 Floor Area Ratio and Minimum Number of Stories

LOCATION: 601 University Drive

APPLICANT: William C. Scarmardo

PROPERTY OWNER: Jerry Skibell, J&J Skibell Ltd

PROJECT MANAGER: Matthew Hilgemeier, Staff Planner
mhilgemeier@cstx.gov

RECOMMENDATION: Denial

BACKGROUND: The subject property is zoned NG-1 Core Northgate and is designated for Redevelopment by the Comprehensive Plan. A single-story retail structure occupies a portion of the property. Subway Sandwiches, a current tenant of the structure proposes to expand their seating capacity by enlarging their existing lease space. The proposed addition is required to meet the current minimum standards for NG-1, which requires a minimum of two stories and a Floor Area Ratio (FAR) of 1:1. **Therefore, the applicant is asking for a variance to the minimum number of stories and Floor Area Ratio requirements.**

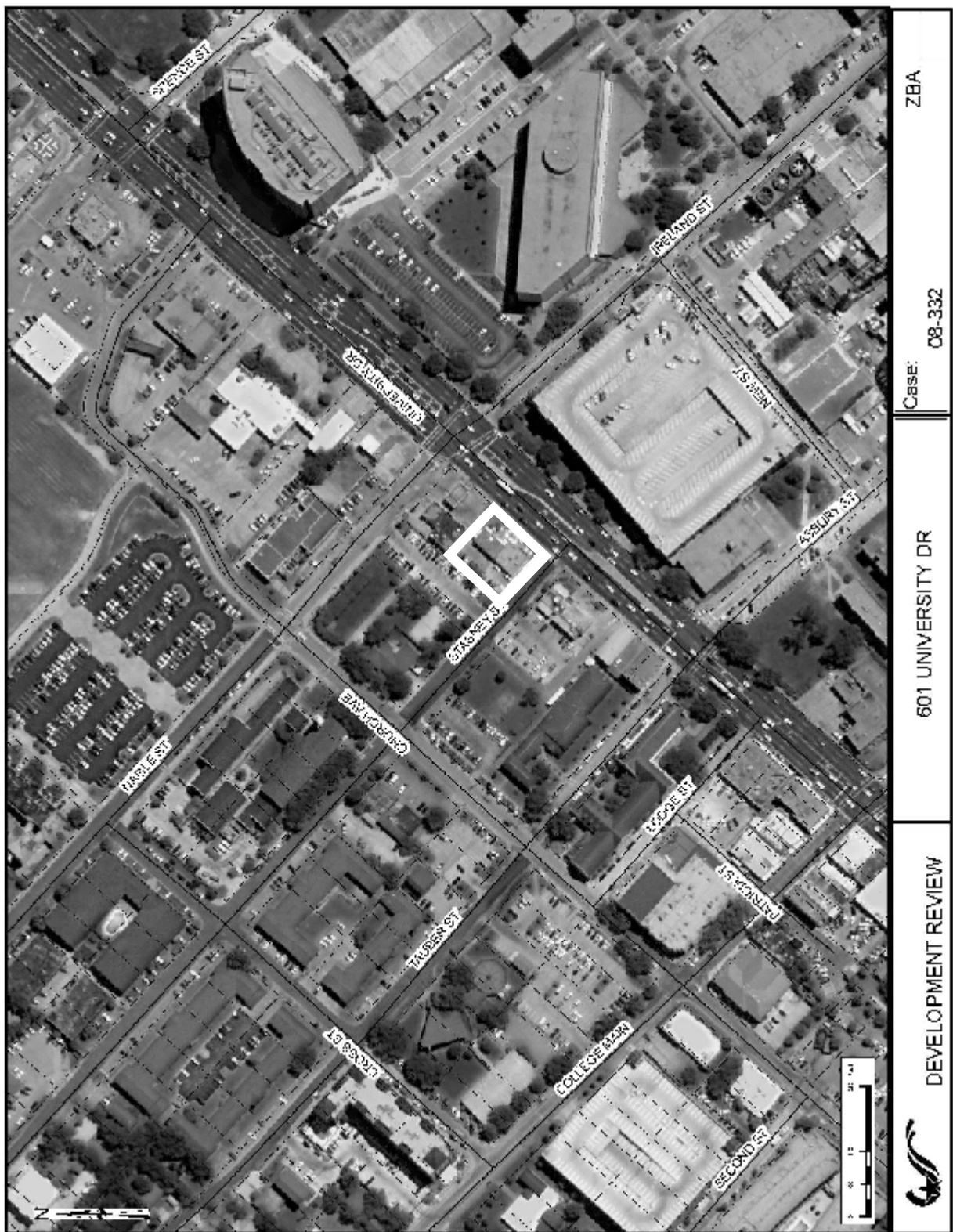
APPLICABLE ORDINANCE SECTION: Section 5.7 Design District Dimensional Standards

UDO **Section 5.7**, NG-1 Design District Dimensional Standards requires a minimum Floor to Area Ratio (FAR) of 1:1. FAR is a land use intensity measure analogous to density. It is the sum of the total areas of all floors of a building compared to the total area of the site. The

minimum 1:1 ratio means that the area of the structures on site must be equal to or greater than the area of the lot. For example, if the area of a lot is 100 square meters, then the building built on that lot must have a gross floor area of 100 square meters, if the required FAR is 1:1.

UDO **Section 5.7**, Design District Dimensional Standards also requires a minimum of two stories for NG-1.

ORDINANCE INTENT: The Northgate District regulations incorporate concepts that are pedestrian-oriented and are intended to result in increased density in the area. Northgate is intended to be a unique, pedestrian-friendly, dense urban environment. Ordinances in NG-1 were designed to aid structural rehabilitation and redevelopment, while promoting new high-density, mixed-use, pedestrian-oriented infill development with an urban character. Section 5.7 is intended to create development that has a more urban character by requiring a minimum of two stories for all new development to facilitate the construction of mixed-use developments, which in turn creates an area that is attractive and functional. The FAR requirement is intended to facilitate the development of additional square footage for retail, office, and residential within the Northgate District to support the goal of creating an urban core.



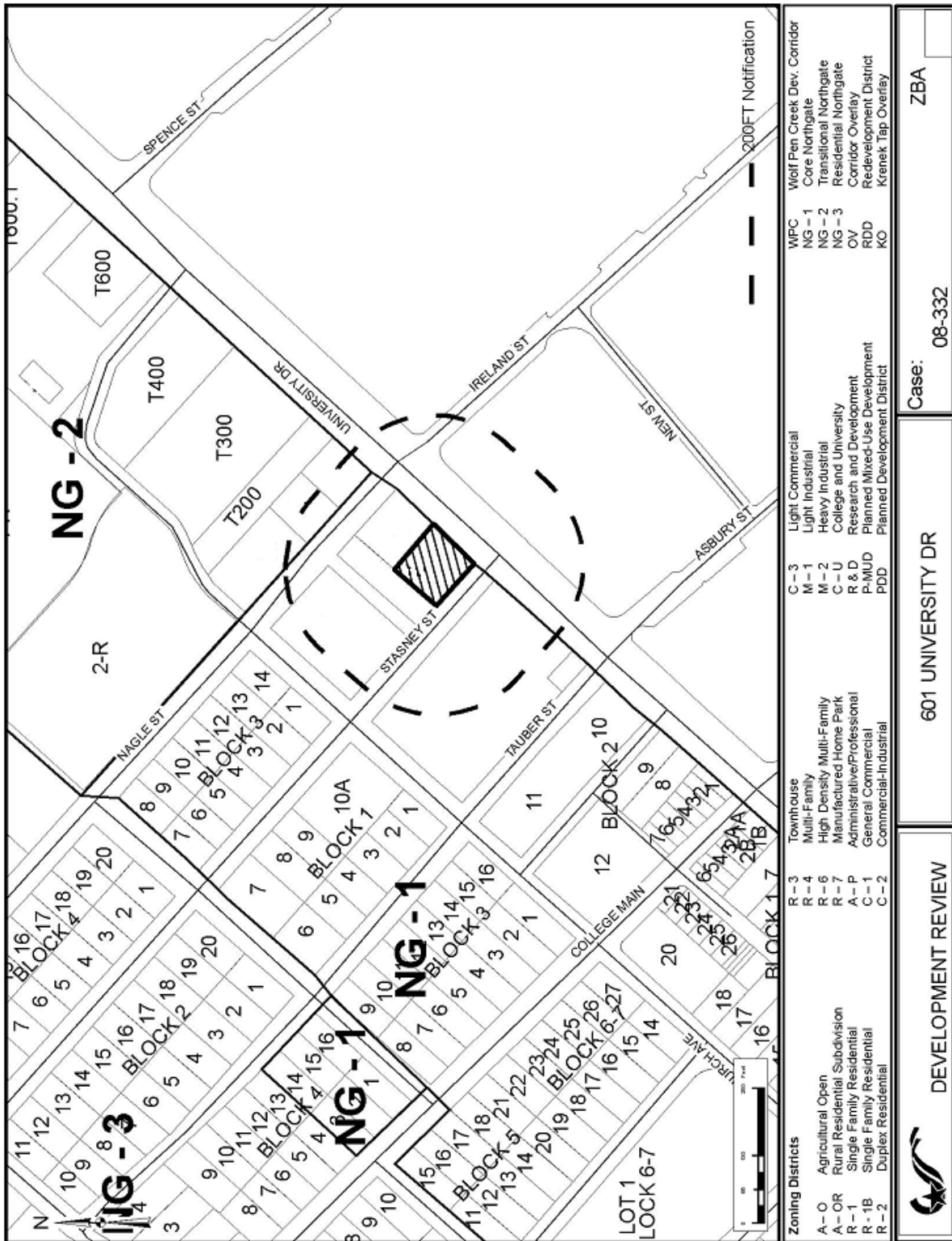
ZBA

Case: 08-332

601 UNIVERSITY DR

DEVELOPMENT REVIEW





NOTIFICATIONS

Advertised Board Hearing Date: 02-03-09

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: 11
Contacts in support: 0
Contacts in opposition: 0
Inquiry contacts: 1

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	NG-1	Subway Restaurant
North	NG-1	Parking Lot for Commercial Development and Church Administrative Offices
South	University Drive	Thoroughfare
East	NG-1	Commercial/Retail (Shell Gas Station/Convenience Store)
West	Stasney St	Thoroughfare

PHYSICAL CHARACTERISTICS

1. **Frontage:** 95 linear feet along University Drive and 115 feet along Stasney St
2. **Access:** One entrance along University, One entrance along Stasney
3. **Topography and vegetation:** Relatively flat with very little vegetation
4. **Floodplain:** None

REVIEW CRITERIA

1. **Special conditions:** The UDO states that a special condition exists when strict application of the provisions of the ordinance would deprive the applicant of the reasonable use their land. To justify the variance, the difficulty must be due to a unique circumstance involving the particular property that must be related to a physical characteristic of the property itself, not the owner's personal situation.

The applicant states the following as a special condition: "In approaching Subway to see if they would be interested in leasing the additional space provided by the 2nd floor,

they were not interested, claiming that the 2nd floor space in a fast food restaurant is not functional”.

Based on the definition of a special condition, the applicant’s statement of the existing special condition does not apply in this instance. The proposed second floor does not have to function as a dining area for Subway Sandwiches; it can be used as office space or a loft apartment. The difficulty does not relate to the physical characteristic of the property.

2. **Hardships:** The UDO defines a hardship as the inability to make reasonable use of the property in accord with the literal requirements and must be a direct result of the special condition.

The applicant stated the following as a hardship: “It would be extremely difficult to lease the space created by the new addition due to the lack of functional space, lack of parking, and access to the 2nd floor.”

The applicant’s statement that leasing the proposed second floor would be difficult does not constitute a hardship based on the definition provided in the UDO. The property is currently being used in a reasonable manner. The second floor required by a desired expansion would not cause the applicant the inability to make a reasonable use of the property.

ALTERNATIVES

The applicant proposes the following alternative: “The height of the exterior wall can be extended so that from University and Stasney the building would have the appearance of a two story structure. (See Application for proposed design alternative)

STAFF RECOMMENDATION

Staff recommends denial of the request for a variance to the Northgate Design District Dimensional Standards relating to Floor Area Ratio and Minimum Number of Stories.

The intent of the Northgate Design District Standards is to promote Traditional Neighborhood Development, which promotes a mixture of non-residential and residential uses, increased density, and high quality building design. Requiring a minimum of two stories encourages developers to create more functional spaces that would provide more retail/commercial or residential housing opportunities. This requirement also facilitates the creation of additional, usable square footage which results in more opportunities for residents to live, work, and play in the same area thereby creating a denser environment.

The applicant has failed to show the existence of a special condition creating a hardship that would justify the granting of the variance. The proposed alternative would create the appearance of a two-story building, but would not be a functional use of space, thereby negating the original intent of the Northgate Districts.

In 2008, as part of the City of College Station’s Capital Improvements Program, the City invested approximately \$1.6 million to rehabilitate the sidewalks along Stasney and Tauber streets from University Dr. to Cherry St. in the Northgate District. This was done as part of

the goal to create a walkable, pedestrian friendly area that has the urban characteristic that is described in the Comprehensive Plan. The City has shown its willingness to invest in the betterment of the area, and has adopted the Northgate regulations in order to facilitate the private investment of the area in-line with the Comprehensive Plan and the Northgate Redevelopment Plan.

SUPPORTING MATERIALS

1. Application



CITY OF COLLEGE STATION
Planning & Development Services

FOR OFFICE USE ONLY

CASE NO.: 08-500331

DATE SUBMITTED: 12/29/08

10:00
CC

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:



\$150 Filing Fee

Application completed in full.

Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name William L. Gentry
Street Address 5220 GEORGE AVE City COLLEGE STATION
State TX Zip Code 77840 E-Mail Address bill.gentry@csd.com
Phone Number 409-774-3535 Fax Number 409-774-3535

PROPERTY OWNER'S INFORMATION:

Name J & J Skibell LP - Jerry Skibell
Street Address 7 WOODLAND DRIVE City SAWYER
State TX Zip Code 75760 E-Mail Address _____
Phone Number 972-233-5533 Fax Number 972-233-5252

SSC

LOCATION OF PROPERTY:

Address 501 UNIVERSITY DRIVE
Lot 1 Block 4 Subdivision "University"
Description if there is no Lot, Block and Subdivision _____

Action Requested: (Circle One)

Setback Variance

Appeal of Zoning Official's Interpretation

Parking Variance

Special Exception

Sign Variance

Drainage Variance

Other: DESIGN REVIEW INTERPRETATION, ETC.

Current Zoning of Subject Property:

HA-1 COMM. NORTH GATE

Applicable Ordinance Section:

SECTION 17.07 CROWN STREET ZONING MAP, 9/03

MINIMUM NUMBER OF SPACES - MINIMUM SPACE TO SIDE DRIVE (PARK)

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

~~REFERENCE ATTACHMENT A.1~~

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

~~REFERENCE ATTACHMENT A.2~~

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

~~REFERENCE ATTACHMENT A.3~~

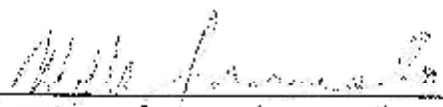
The following alternatives to the requested variance are possible:

~~REFERENCE ATTACHMENT A.4~~

This variance will not be contrary to the public interest by virtue of the following facts:

~~REFERENCE ATTACHMENT A.5~~

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.


Signature of owner (or agent) or applicant

12/27/08
Date

Attachment A

1. 2nd Floor addition:

The existing building structure will not allow an additional floor to be added; therefore the proportions of the new addition are such that the 2nd story space it provides is not functional or marketable for additional lease space. (see attached Site Plan and 3d Arial)

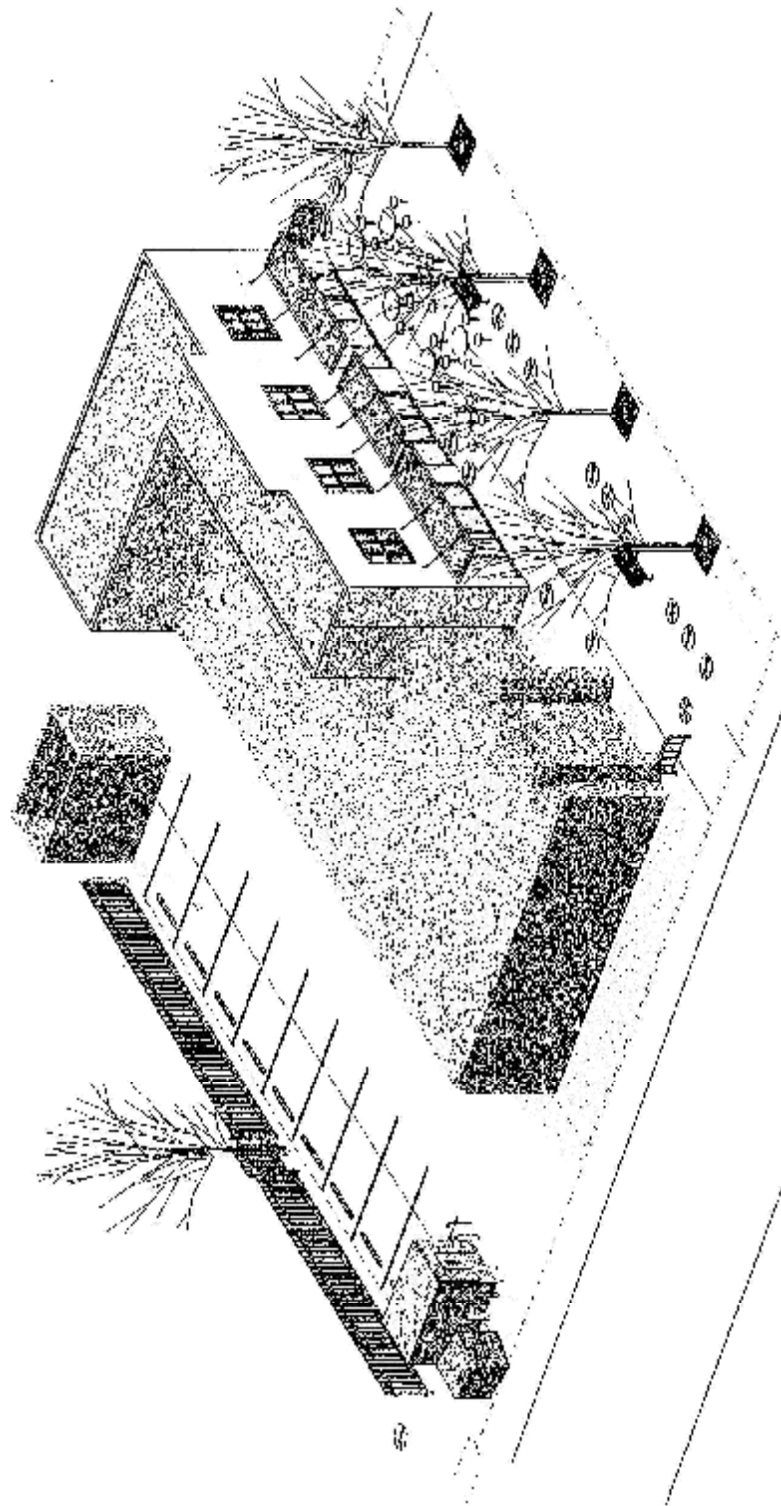
FAR requirements:

Because of the existing building, parking and retention area the FAR requirements cannot be met.

2. The addition stems from Subway wanting to enlarge their dining facility. In approaching Subway to see if they would be interested in leasing the additional space provided by the 2nd floor, they were not interested claiming that the 2nd floor space in a fast food restaurant is not functional.
3. In examining potential uses for the second floor addition it seems that Office space is the only logical use. I was told by Oldham Group that this space will be extremely hard to lease, because of the lack of parking on the site, the space proportions of the new addition and access to the 2nd floor,.
4. The height of the exterior wall can be extended so that from University and Stasney the building would have the appearance of a two story structure. (see attached proposal)

Because of present conditions there are no proposed solutions in regards to the FAR requirements.

5. The intention of the ordinance will still be present to the public's eye because the building has the appearance of a two story structure.



VIEW MEETING THE BASIC REQUIREMENTS OF A 2 STORY STRUCTURE